

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS, as)	
Administratrix of the Estate of)	
KENNETH WATERS,)	
)	
Plaintiff,)	CIVIL ACTION
v.)	NO. 04-10521-GAO
)	
TOWN OF AYER, <u>et al.</u> ,)	
)	
Defendants.)	

ORDER ON PARTIES' MOTIONS

This matter is before the court on (1) the plaintiff's "Motion to Compel the Deposition of State Police Trooper Al Hunte" (Docket No. 127); (2) the "Defendants' Motion to Amend Scheduling Order" (Docket No. 132); and (3) the "Defendants' Motion to Dismiss All Claims Against Defendant Buddy Decot" (Docket No. 126). After consideration of the parties' submissions and their oral arguments, the court hereby ORDERS as follows:

1. The plaintiff's motion to compel is ALLOWED. The plaintiff may depose Trooper Hunte on December 21, 2007 or on another date agreed upon by the parties, but prior to February 2008. The duration of the deposition shall not exceed half a day.

2. The defendants' motion to amend the scheduling order, by which the defendants are seeking to extend the time for taking the depositions of the parties' police practices experts until February 29, 2008, is ALLOWED IN PART and DENIED IN

PART. The depositions of Mr. Ford and Mr. Reiter shall take place during the week of **February 4, 2008**.

3. A ruling on the defendants' motion to dismiss all claims against Mr. Decot shall be deferred so that the parties may have an opportunity to make additional submissions. The parties shall file any additional materials by **January 18, 2008**.

/s/ Judith Gail Dein

Judith Gail Dein
United States Magistrate Judge

Dated: December 19, 2007